

**Senate Study Bill 1045 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON FRAISE)

**A BILL FOR**

1 An Act relating to mental health and substance abuse histories  
2 conducted in a presentence investigation report and the  
3 standards for release on probation in a criminal proceeding.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901.3, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. The defendant's characteristics, family and financial  
4 circumstances, needs, and potentialities, ~~including the~~  
5 ~~presence of any previously diagnosed mental disorder.~~

6 Sec. 2. Section 901.3, Code 2011, is amended by adding the  
7 following new subsections:

8 NEW SUBSECTION. 2A. The defendant's mental health history  
9 and treatment options available in the defendant's community  
10 and the correctional system.

11 NEW SUBSECTION. 2B. The defendant's substance abuse  
12 history and treatment options available in the defendant's  
13 community and the correctional system.

14 Sec. 3. Section 907.5, Code 2011, is amended to read as  
15 follows:

16 **907.5 Standards for release on probation — written reasons.**

17 Before deferring judgment, deferring sentence, or suspending  
18 sentence, the court first shall determine which option,  
19 if available, will provide maximum opportunity for the  
20 rehabilitation of the defendant and protection of the community  
21 from further offenses by the defendant and others. In making  
22 this determination, the court shall consider the age of the  
23 defendant; the defendant's prior record of convictions and  
24 prior record of deferments of judgment if any; the defendant's  
25 employment circumstances; the defendant's family circumstances;  
26 the defendant's mental health and substance abuse history  
27 and treatment options available in the community and the  
28 correctional system; the nature of the offense committed; and  
29 such other factors as are appropriate. The court shall file  
30 a specific written statement of its reasons for and the facts  
31 supporting its decision to defer judgment, to defer sentence,  
32 or to suspend sentence, and its decision on the length of  
33 probation.

34 EXPLANATION

35 This bill relates to mental health and substance abuse

1 histories conducted in a presentence investigation report  
2 and the standards for release on probation in a criminal  
3 proceeding.

4 The bill provides that the judicial district department of  
5 correctional services conducting a presentence investigation  
6 shall include in the report the defendant's mental health and  
7 substance abuse history and the treatment options available to  
8 the defendant in the community and the correctional system.

9 The bill also requires the court prior to deferring  
10 judgment, deferring sentence, or suspending sentence, to  
11 consider the mental health or substance abuse history of a  
12 defendant and the treatment options available to the defendant  
13 in the community and the correctional system.

14 A presentence investigation report details the background of  
15 a defendant and is reviewed by the court prior to sentencing a  
16 criminal defendant.